

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KELLY LIBBY & HOOPEs, P.C.,
and
GREENBERG TRAURIG LLP,

Plaintiffs,

vs.

ULICO CASUALTY COMPANY,

Defendant.

Civil Action No. 05-11859 (RCL)

DEFENDANT ULICO CASUALTY COMPANY'S MOTION TO DISMISS

COMES NOW Defendant Ulico Casualty Company ("Ulico"), by and through counsel, pursuant to Rule 12(b)(7) of the Federal Rules of Civil Procedure, and hereby moves this Court to dismiss Plaintiffs' Complaint for failure to join necessary parties under Rule 19 of the Federal Rules of Civil Procedure.

In support thereof, Ulico submits the accompanying memorandum of law which further sets forth the basis for this Motion and the reasons why it should be granted, the supporting Declaration of Syed S. Ahmad, and a Proposed Order.

CERTIFICATION

Ulico's counsel certifies that, pursuant to LR 7.1(a)(2), counsel for all parties conferred and attempted in good faith to resolve or narrow the issues raised by this Motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to LR 7.1(d), Ulico respectfully requests oral argument.

WHEREFORE, Ulico respectfully requests the Court to dismiss the Plaintiffs' Complaint in its entirety and award Ulico such other and relief as the Court deems just and proper.

ULICO CASUALTY COMPANY,
By its attorney

/s/ Lon A. Berk

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**ORDER GRANTING DEFENDANT ULICO CASUALTY COMPANY'S
MOTION TO DISMISS**

THIS MATTER having been brought before the Court by Defendant Ulico Casualty Company on its Motion To Dismiss;

It is on this _____ day of _____, 2005, hereby,

ORDERED that Defendant Ulico Casualty Company's Motion To Dismiss is granted; and

IT IS FURTHER ORDERED that Ulico Casualty Company recover from Plaintiffs Kelly Libby & Hoopes, P.C., and Greenberg Traurig LLP the costs and fees incurred in bringing its Motion to Dismiss.

SO ORDERED,

Dated: Boston, Massachusetts
_____, 2005

REGINALD C. LINDSAY,
United States District Judge